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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Reginald St. Hilaire,

Plaintiff[s],

-v-

City of New York, et al.

Defendant[s].

No. 10 Civ. 8115 (RJS)

CASE MANAGEMENT PLAN AND SCHEDULING ORDER

RICHARD J. SULLIVAN, District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, the Court hereby adopts the following Case Management Plan and Scheduling Order.

1. All parties (consent) (do not consent) to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636(c). [*Please circle one.*] [*If all consent, the remainder of the Order need not be completed at this time.*]

2. This case (is) (is not) to be tried to a jury. [*Please circle one.*]

3. No additional parties may be joined except with leave of the Court.

4. Amended pleadings may not be filed except with leave of the Court.

5. Initial disclosures pursuant to Rule 26(a)(1) shall be completed no later than January 19, 2011. [*Absent exceptional circumstances, within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f).*]

6. All *fact* discovery is to be completed no later than May 5, 2011. [*A period not to exceed 120 days unless the case presents unique complexities or other exceptional circumstances*].

7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 6 above.

a. Initial requests for production of documents shall be served by February 1, 2011

b. Interrogatories shall be served by February 1, 2011.

c. Depositions shall be completed by May 5, 2011.

i. Absent an agreement between the parties or an order from the Court, depositions are not to be held until all parties have responded to initial requests for document production.

ii. There is no priority in deposition by reason of a party's status as a plaintiff or a defendant.

iii. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.

d. Requests to Admit shall be served no later than February 1, 2011.

8. All *expert* disclosures, including reports, production of underlying documents, and depositions shall be completed pursuant to the following deadlines:

a. Expert(s) of Plaintiff(s) April 1, 2011.

b. Expert(s) of Defendant(s) May 1, 2011.

[*The parties shall be prepared to describe their contemplated expert discovery and the bases for their proposed deadlines at the initial conference.*]

9. All discovery shall be completed no later than May 5, 2011.

10. The Court will conduct a post-discovery conference on May 25, 2011 at 9:00 am [***To be completed by the Court***. *The conference will be scheduled within three weeks of the close of all discovery.*]

11. If either party contemplates a motion, the post-discovery conference will function as a pre-motion conference. Pre-motion letters are to be submitted by May 5, 2011. [*To be completed by the Court. The deadline will be no later than two weeks prior to the post-discovery status conference.*] Pursuant to Rule 2.A of the Court's Individual Practices, responses to pre-motion letters are to be submitted within three business days from the date of service of the initial pre-motion letter. Pre-motion letters and responses shall be submitted to the chambers' email address at sullivannysdchambers@nysd.uscourts.gov.

12. If neither party contemplates a dispositive motion, the post-discovery conference will function as a pre-trial conference at which a trial date will be set.

13. Counsel for the parties request a settlement conference before a Magistrate Judge or the Southern District's Mediation Program and request: [*Please check one. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery.*]

a. ✓ Referral to a Magistrate Judge for settlement discussions

b. ________ Referral to the Southern District's Mediation Program

The parties are to contact MJ Fox by March 8, 2011. [***To be completed by the Court after consultation with the parties.***]

14. Parties have conferred and their present best estimate of the length of trial is 4-5 days.

SO ORDERED.

DATED: Jan. 19, 2011
New York, New York

RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE